

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CONSTITUTION PIPELINE COMPANY, LLC,	:	
	:	CIVIL ACTION NO. 3:14-2458
Plaintiff	:	
	:	(JUDGE MANNION)
v.	:	
	:	
A PERMANENT EASEMENT FOR 1.84 ACRES, AND TEMPORARY EASEMENTS FOR 3.3 ACRES, IN NEW MILFORD TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA, TAX PARCEL NUMBER 127.00-1,063.00,000; MICHAEL W. ZEFFER, et al.;	:	
	:	
Defendants	:	

ORDER

On February 16, 2016, the court issued a Show Cause Order, (Doc. [50](#)), regarding an Emergency Motion to Enforce Order, or, in the alternative, Emergency Motion for Declaratory Judgment and/or for Contempt, (Doc. [46](#)), filed by plaintiff, Constitution Pipeline Company, LLC ("Constitution"). The court considered the motion to the extent it was for contempt of the court's March 17, 2015 Order, (Doc. [44](#)), granting Constitution the right of immediate entry and access to easements for its pipeline project on the property owned by defendants Michael W. Zeffer, Maryann Zeffer, Patricia M. Glover, Catherine M. Holleran and Dustin C. Webster, in New Milford Township, Susquehanna County, Pennsylvania. The court scheduled a hearing on February 19, 2016, at 2:30 p.m., for defendants to show cause why they

should not be held in contempt of the court's order.

In its motion, Constitution alleged that defendants have continuously violated the court's March 17, 2015 Order and have deliberately prevented it from completing tree felling by the March 31, 2016 deadline. In its order, Constitution was directed to personally serve each defendant and their counsel with a copy of this order. Subsequently, the court received two communications. The first was a letter from defendants' counsel of record, Michael F. Faherty, Esq., (Doc. [51](#)), notifying the court that he does not represent the defendants with respect to Constitution's motion presently before the court and that he will not be representing the defendants at the show cause hearing. The second was a telephone call to chambers from defendant Holleran indicating that due to her knee replacement surgery last month she was not able to make the show cause hearing and was therefore requesting a continuance.

With respect to the first matter, Mr. Faherty is still listed as counsel of record for defendants in this case. He represented defendants at the February 13, 2015 hearing regarding Constitution's motion for partial summary judgment and emergency motion for preliminary hearing. He is well aware of the underlying facts of this case as well as the directives of the court's March 17, 2015 Order. The court has not granted Mr. Faherty permission to withdraw from this case nor has he previously requested to withdraw. As such, the court directs Mr. Faherty to appear at the February 19, 2016 show cause

hearing and represent defendants. He will only be excused from appearing if defendants obtain new counsel prior to the hearing and their new counsel enters an appearance in this case and is ready to proceed on February 19.

As to the second matter, insofar as defendant Holleran has requested a continuance of the show cause hearing, the request is **DENIED**. There will be no continuances of the hearing. All of the parties know that time is of the essence since Constitution was ordered by FERC to complete tree felling by March 31, 2016 for the protection of threatened and endangered species and migratory birds. See Migratory Bird Treaty Act, 16 U.S.C. §§703-712.

Accordingly, defendants and their counsel, Mr. Faherty, are directed to appear for the hearing scheduled on **February 19, 2016, at 2:30 p.m.**, to show cause why the defendants should not be held in contempt of the court's March 17, 2015 Order. Mr. Faherty is directed to personally notify each defendant that they must appear at the hearing.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: February 17, 2016

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